

EXHIBIT J

Tina Blankenship & Mark Blankenship v. Wal-Mart Stores, Inc., et al.
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 April 23, 2015

Sheet 6 Page 18

00018
 01 in the middle. Okay. Who is older, your brother or
 02 your sister?
 03 A My brother.
 04 Q What's your brother's name?
 05 A Todd.
 06 Q And Browning?
 07 A Yes.
 08 Q And does he work outside the home?
 09 A Yes.
 10 Q Where does he work?
 11 A He's a coal miner.
 12 Q Okay. Do you know who he works for?
 13 A No.
 14 Q Is he married?
 15 A No.
 16 Q Does he have any children over the age of
 17 18?
 18 A Yes.
 19 Q What are his children's names?
 20 A Over 18?
 21 Q Yes.
 22 A Jessica.
 23 Q And does she still live in Mingo County?
 24 A No.

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00019
 01 Q Do you know where she lives?
 02 A Virginia.
 03 Q In Virginia. Okay. And your sister?
 04 A Katelyn Sergeant.
 05 Q And is she married?
 06 A No.
 07 Q And does she work outside the home?
 08 A No.
 09 Q Okay. Any particular reason she doesn't
 10 work outside the home?
 11 A She's in school.
 12 Q How old is she?
 13 A Twenty.
 14 Q So she's a young sister?
 15 A Yeah.
 16 Q Okay. Gotcha. Is she in school in West
 17 Virginia or is she out of state?
 18 A In West Virginia.
 19 Q In the timeframe of July 26th of 2013,
 20 would it have just been you and your husband and your
 21 son who resided with you at your residence?
 22 A Yes.
 23 Q Can you tell me a little bit, as best you
 24 can recall, about when you obtained the food processor

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00020
 01 at issue in this case?
 02 A Uh-huh. I bought the food processor. It
 03 was in the summer of 2010. I needed it for cole slaw
 04 for a fundraiser.
 05 Q Okay. Let me ask you, prior to that
 06 time, had you ever owned a food processor?
 07 A No.
 08 Q Okay. Had you ever used a food processor
 09 before?
 10 A Yes.
 11 Q Okay. Where had you used a food
 12 processor previously?
 13 A At home with mom.
 14 Q Your mom?
 15 A Yeah.
 16 Q Do you recall what kind of food processor
 17 your mom had?
 18 A No.
 19 Q Okay. So I take it -- did you buy that
 20 food processor for yourself or did someone buy it for
 21 you?
 22 A No, I bought it.
 23 Q You bought it for yourself?
 24 A Uh-huh.

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00021
 01 Q Okay. So you bought it at the Wal-Mart?
 02 A Yeah.
 03 Q And you'll have to forgive me, what Wal-
 04 Mart do you typically shop at?
 05 A The one in South Williamson, Kentucky.
 06 Q Is that just closer for you distancewise
 07 or is there any particular reason you use the one at
 08 South Williamson?
 09 A It's just that's just where we like to
 10 shop.
 11 Q Okay. And I'm the same way. We have
 12 like three Wal-Marts in Morgantown and I always go out
 13 to the one, you know, closer to Grandville, whatever.
 14 So you all typically go to the South Williamson,
 15 Kentucky --
 16 A Yes.
 17 Q Okay. And you had obviously shopped
 18 there before?
 19 A Yes.
 20 Q Was there anyone at the store who
 21 recommended that particular food processor to you?
 22 A No.
 23 Q Okay. Was there any -- or can you tell
 24 me, as you sit here today, was there any reason that

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01 Q I thought they had a notation on there
 02 that there was no copay in connection with your
 03 surgery. But you think there was a copay?
 04 A I paid a copay to the doctor and that
 05 covered so many months until -- and then at the ER I
 06 would have had a copay.
 07 Q Do you have any idea what copay you would
 08 have paid to the doctor? Do you know what -- I mean,
 09 because I know typically when I take my kids, it's a
 10 \$25.00 copay when I go to the doctor.
 11 A No. Mine is five.
 12 Q Yours is five?
 13 A Yeah.
 14 Q And so that would have lasted you for all
 15 of your treatments with Dr. Balono, do you think?
 16 A I think it was -- yes, I think so.
 17 Q Okay. And how about -- you probably have
 18 a better rate on your ER deductible too because mine
 19 is 100 bucks to go to the ER. Do you recall what
 20 yours would have been?
 21 A I'm still thinking it's lower. I think
 22 it's --
 23 Q You guys have some great benefits.
 24 A Yes.

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00039

01 Q Do you think it would have been about
 02 \$25.00 or less than \$25.00?
 03 A I might be five also. I'd have to check.
 04 Q Well, I can see why you guys want to keep
 05 those benefits.
 06 A Yeah.
 07 Q Absolutely. Okay. Other than going to
 08 the emergency room at Logan Regional Medical Center
 09 and going to Three Gables and to see Dr. Balono, have
 10 there been any other medical providers that you have
 11 treated with as a result of your injuries?
 12 A That I've treated with?
 13 Q Yes.
 14 A No.
 15 Q So one of the questions I have, in
 16 addition to all these other ones I've been asking you,
 17 have you ever attended any type of physical therapy
 18 for your hand?
 19 A No.
 20 Q Have you ever been told you need physical
 21 therapy for your hand?
 22 A No.
 23 Q And at least according to the records
 24 that I have, it looked like the last visit you had

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00040

01 with Dr. Balono was on October 14th of 2013. Does that
 02 sound -- I won't hold you to the specific day, because
 03 obviously, if you haven't read the medical record --
 04 but does that sound about right in your head?
 05 A Yeah. That's --
 06 Q Okay. Can you tell me, did you ever -- I
 07 know we were talking about the recall and I know you
 08 told me you didn't see that or didn't know about the
 09 recall until after your injury. Did you ever see the
 10 recall poster posted at the South Williamson store?
 11 A No.
 12 Q Did you ever see the recall poster posted
 13 at any Wal-Mart if -- and I know you frequently go to
 14 South Williamson, but if you would have gone to any
 15 other Wal-Mart, did you see it at any other Wal-Mart?
 16 A No.
 17 Q Okay. As you sit here today, have you
 18 ever seen the recall poster posted at Wal-Mart?
 19 A No.
 20 Q Okay. This is me skipping around again,
 21 I'm sorry. Why don't we kind of fast forward to -- or
 22 rewind, I guess. I'm not going forward in time.
 23 We're going back in time.
 24 If we go to July 26th of 2013, tell me

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00041

01 what you recall doing that day. And, you know, I'm
 02 concerned mostly with you using that food processor on
 03 that particular day.
 04 But before you get started, let me ask
 05 you, do you have a recollection -- and I think I know
 06 the answer to this, but I want to ask you, were you on
 07 any medications that day?
 08 A No.
 09 Q Okay. And, you know, obviously, it
 10 wasn't the Fourth of July holiday at that point in
 11 time, but do you think you would have consumed any
 12 alcohol prior to operating the food processor that
 13 day?
 14 A No.
 15 Q Okay. That being said, I'll try not to
 16 interrupt you and you tell me what you can remember
 17 from July 26th, 2013.
 18 A I was making zucchini bread and as I was
 19 reaching in to remove the blade, which I pushed down
 20 on it, it came on and cut my fingers.
 21 Q Okay. Now, I'm probably going to ask you
 22 more questions than you could ever imagine just from
 23 that little bit that you told me. Do you recall about
 24 what time of day it was that you were using the food

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00046
 01 A Uh-huh.
 02 Q -- and then you put the lid on top of it?
 03 A Yes.
 04 Q And you use chop?
 05 A Chop.
 06 Q Okay. And then, tell me, after you were
 07 done with that, you took the lid off?
 08 A Yes.
 09 Q Did you remove the bowl from the base of
 10 the food processor?
 11 A With the first batch?
 12 Q Yes.
 13 A I probably reached my hand and removed
 14 the blade and then dumped the zucchini.
 15 Q Okay. So when you reached your hand into
 16 the bowl there to take the blade out, did you unplug
 17 the food processor?
 18 A No.
 19 Q Okay. Did you use a spatula or anything
 20 to help you, you know, go around the bowl at all?
 21 A Not until I poured it out.
 22 Q Okay. And so whenever you put your hand
 23 in the first time, after you were done with the first
 24 batch and you put your hand in to remove the blade,

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00048
 01 A Yes.
 02 Q Okay. So then after you rinse it out, do
 03 you dry it off?
 04 A Yes.
 05 Q Okay. And then do you put the blade in
 06 it before you put it back into the food processor or
 07 when did you put the blade back into it?
 08 A I would have put the bowl first and then
 09 the blade.
 10 Q Okay. And so you would put the bowl
 11 first and then the blade. Would you have put the bowl
 12 back on the food processor before you put the blade in
 13 it --
 14 A Yes.
 15 Q -- or would you have done that like over
 16 by the sink, you know, when you were drying it off,
 17 putting the blade back --
 18 A No.
 19 Q -- in and then putting it over?
 20 A I would put the bowl on.
 21 Q You would put the bowl on --
 22 A And then the blade.
 23 Q -- the food processor?
 24 A Yes.

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00047
 01 did it jump on you at all?
 02 A No.
 03 Q Okay. Did you have any issues at all
 04 when you put your hand in to remove the blade?
 05 A No.
 06 Q Okay. When you went to remove the blade
 07 that first time, was it still properly seated where it
 08 was supposed to be inside the food processor?
 09 A I think so.
 10 Q Okay. And everything was chopped up how
 11 you expected it to be?
 12 A Uh-huh.
 13 Q Okay. Is that a yes? I'm sorry.
 14 A Yes.
 15 Q See, I told you I was going to call you
 16 on it. So you take the blade out, you remove the bowl
 17 from the food processor and then you take your
 18 zucchini and I take it you put it in another bowl --
 19 A Yes.
 20 Q -- that you're mixing your zucchini bread
 21 with?
 22 A Yes.
 23 Q Okay. Do you rinse the bowl out before
 24 you put it back on the food processor?

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00049
 01 Q And then the blade. Okay. And then you
 02 would have put your second batch of chunked zucchini
 03 into the bowl, put it on and you put it on chop again,
 04 correct?
 05 A Yes.
 06 Q Did it do what it was supposed to do, it
 07 chopped everything up?
 08 A No.
 09 Q It didn't. Okay. What happened?
 10 A There was a couple chunks of zucchini
 11 that hadn't got mixed up.
 12 Q Okay. And so had you taken the lid off
 13 to see this?
 14 A I could see it through --
 15 Q You could see --
 16 A -- through the bowl.
 17 Q Okay. You could see it through the bowl.
 18 Okay. So what did you do at that point?
 19 A I took the lid off and reached my hand
 20 inside and then when I touched the blade, that's when
 21 it came on.
 22 Q And I just want to make sure I
 23 understand. When you took the lid off, what were you
 24 intending to do?

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00110
 01 A No.
 02 Q I think, now don't hold me to this, but I
 03 thought you had to be at least 16 to have a Facebook
 04 page. Do you all supervise his Facebook page?
 05 A Yes. It's mostly for his basketball
 06 team.
 07 Q Did your son post anything on Facebook
 08 about your injury?
 09 A I'm not for sure. I don't think so.
 10 Q Okay. How about your husband, does he
 11 have a Facebook page?
 12 A No.
 13 Q Okay. And I apologize, because I think
 14 you answered this. Did you ever actually talk to
 15 anyone at the Consumer Product Safety Commission?
 16 A No. It was just something online.
 17 Q Just something online?
 18 A Uh-huh.
 19 Q Did you ever receive a response to your
 20 --
 21 A No.
 22 Q -- email?
 23 A No.
 24 Q Okay. And you didn't keep a copy of that

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00112
 01 Q Okay. So as I understand, I think from
 02 the information that you provided in your complaint on
 03 August 7th, 2013, you returned to food processor to
 04 Wal-Mart?
 05 A Yes.
 06 Q Okay. Did you do that by yourself or did
 07 your husband drive you over there?
 08 A Mark went with me.
 09 Q Okay. Anyone besides you and Mark?
 10 A Colton was possibly with us, but I don't
 11 remember.
 12 Q Okay. And I think you told me earlier
 13 that, you know, you didn't have a box to put the food
 14 processor back in. Did you get like all of the --
 15 like the kneader, I think you said, and all of the
 16 tools that came with it and just kind of put it in a
 17 bag or --
 18 A Yes.
 19 Q -- and take it back?
 20 A Yes.
 21 Q Okay. And was your husband with you when
 22 you went to the customer service desk at Wal-Mart?
 23 A Yes.
 24 Q Okay. And so he was there when you

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00111
 01 email that you sent?
 02 A No.
 03 Q Okay. And how did you get the number for
 04 GE to call them?
 05 A I think it was just online. I think I
 06 Googled GE customer service or something.
 07 Q Okay. And I think, as I recall your
 08 testimony, you did not tell them you were injured
 09 using the food processor?
 10 A I don't remember if I did.
 11 Q Okay. Did you ever receive any
 12 correspondence directly from GE?
 13 A No.
 14 Q Okay. Did you ever contact Wal-Mart
 15 directly about your injury with the food processor?
 16 A No.
 17 Q Okay. So it was a couple days later, I
 18 think you said after this incident happened, that you
 19 had called GE and they -- and you advised them that
 20 you were late finding out about the recall and they
 21 directed you to return it to Wal-Mart?
 22 A Uh-huh.
 23 Q Is that a yes? I'm sorry.
 24 A Yes.

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00113
 01 returned the product?
 02 A Yes.
 03 Q Okay. When you went to return the
 04 product, tell me what you told them at Wal-Mart, why
 05 you were returning the product?
 06 A I told them that -- well, they could see
 07 I'd been injured. I was all bandaged up and I told
 08 them that there had been a recall on it and the clerk
 09 wasn't for sure if she could take it back because the
 10 -- the recall wasn't still on the board.
 11 But GE, that -- whoever I'd spoke with
 12 had gave me a number and said if they had a question,
 13 they could call them and so I just gave her all that.
 14 And she called GE and got what she needed to do the
 15 refund.
 16 Q Okay. And did you, in fact, get your
 17 money back?
 18 A I got a gift card.
 19 Q Okay. Was that acceptable to you or did
 20 you want the cash?
 21 A Well, I -- you know, it was fine.
 22 Q Okay. At the time that you told her that
 23 there was a recall, did you tell her that you had
 24 injured your hand using the food processor?

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00114
 01 A The clerk at Wal-Mart?
 02 Q Yes.
 03 A Yes.
 04 Q Okay. And tell me exactly what you told
 05 her, because when you were telling me what had
 06 happened before, you didn't tell me that you had told
 07 her that you were injured.
 08 A I told her I needed to return it, that
 09 there had been a recall and I had cut my fingers on
 10 it.
 11 Q Okay. Do you happen know what this gal
 12 looked like or what her name was?
 13 A I remember one I spoke with. Her name
 14 was like Loretta. She was kind of short, brown hair,
 15 to the best I can remember.
 16 Q Okay. Have you ever seen her at the
 17 store since you've returned --
 18 A No.
 19 Q -- the food processor?
 20 A No.
 21 Q Okay. Was she at the customer service
 22 desk?
 23 A Yes.
 24 Q Okay. Was she older? Was she younger?

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00115
 01 A Possibly my age.
 02 Q Okay. Did you tell her that you had cut
 03 your fingers on the food processor?
 04 A Yes.
 05 Q Okay. And what did she say in response
 06 to that?
 07 A Oh, yuck.
 08 Q Did she ask you if you wanted to fill out
 09 a report?
 10 A No.
 11 Q Did you ask to fill out a report?
 12 A No.
 13 Q Was Loretta the one who called GE to see
 14 about the return?
 15 A Yes.
 16 Q Who else did you talk to at Wal-Mart that
 17 day?
 18 A There was a couple more clerks there that
 19 went over to see if the recall sheet was still on the
 20 board, but I don't recall their names.
 21 Q Okay. And I think you had indicated that
 22 someone made the statement that the recall poster
 23 hadn't been listed long enough.
 24 A Yes.

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00116
 01 Q Okay. Can you describe who it was that
 02 said that?
 03 A It was just the clerk that went over the
 04 board. She said they normally don't keep the recall
 05 sheets long enough, so she couldn't find it on the
 06 food processor.
 07 Q Okay. Do you know, after you talked to
 08 -- or after you went online and you found that the
 09 food processor had been recalled, do you recall what
 10 time it was that the food processor was actually
 11 recalled?
 12 A No, no.
 13 Q So you didn't know if it had been over a
 14 year since the food processor had been recalled --
 15 A I think the date --
 16 Q -- and you returning it?
 17 A -- was on there, but I don't recall what
 18 it was. I think that's why I called GE to see if it
 19 was still -- if I should still take it back or what I
 20 should do with it.
 21 Q Okay. Can you give me any type of
 22 physical description of those clerks who would have
 23 said that they don't keep the recall sheets up long
 24 enough?

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00117
 01 A No. I remember one had sandy hair, but I
 02 don't recall. I think they were around my age too.
 03 Q Did any of them have glasses?
 04 A I don't remember.
 05 Q Were they all white?
 06 A Yes.
 07 Q I think you had also mentioned in your
 08 discovery responses that someone said that the food
 09 processor should have been removed from the shelf.
 10 A Uh-huh.
 11 Q Okay. Who said that, the same person,
 12 the same sandy-colored --
 13 A I think so.
 14 Q -- hair lady?
 15 A One of them said make sure they're all --
 16 they should all be removed from the shelf, something
 17 to that effect.
 18 Q Okay. When you went to the store that
 19 day, did you look for a new food processor?
 20 A No.
 21 Q Okay. Do you know if there were any of
 22 this food processor still on the shelves at the store
 23 on the day that you returned it?
 24 A No.

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00118
01 Q Okay. At the time that you returned that
02 food processor, had you contemplated suing GE or Wal-
03 Mart?
04 A No.
05 Q -- as a result of your injuries?
06 A No.
07 Q When did you first think about filing a
08 lawsuit?
09 A The longer it went and I realized the
10 main reason that I'd bought the food processor was the
11 same reason I got hurt and we just decided then.
12 Q Okay. When would that have been in
13 relation to the date of your injury?
14 A I don't recall the exact date.
15 Q Okay. Was it within a week of returning
16 the food processor --
17 A Oh, no.
18 Q -- to Wal-Mart?
19 A No.
20 Q A month?
21 A It was months.
22 Q Months later?
23 A Yeah.
24 Q At the time that you were thinking about

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00119
01 filing a lawsuit, had you -- you'd already had your
02 surgery?
03 A Yes.
04 Q And had you finished treating with Dr.
05 Balono?
06 A Yes.
07 Q Okay. At any point in time when you
08 returned the food processor to Wal-Mart, did you ask
09 them to keep it for you?
10 A No.
11 Q Okay. Did you say, look, you might want
12 to keep this because I injured my hand on it?
13 A No.
14 Q Did your husband make any comments or
15 have any conversations with the clerks?
16 A No.
17 Q Or was it just you?
18 A He was there with me, but I don't recall
19 anything particular that they said.
20 Q Okay. How about anything particular that
21 your husband said to any of the Wal-Mart personnel?
22 A No, I don't remember anything.
23 Q Okay. As you sit here today, do you
24 remember your husband telling anyone at Wal-Mart to

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00120
01 make sure that they kept that food processor?
02 A No.
03 Q Okay. Did you know anyone who worked at
04 that South Williamson, Kentucky store?
05 A No.
06 Q Okay. Since your injuries and when you
07 went online and you found that the product had been
08 recalled, have you personally talked to anyone else
09 who alleges that they have been injured by this food
10 processor?
11 A No.
12 Q Okay. So you've never had any
13 conversations with a gal by the name of Andrea Lock?
14 A No.
15 Q How did you find Mr. Carr?
16 A I just was looking.
17 Q Okay. Where were you looking, in the
18 phonebook? Were you looking online?
19 A No. I think I was online and had made an
20 email or something. I can't remember.
21 Q Okay. Did you reach out to Mr. Carr
22 first or did Mr. Carr reach out to you?
23 MR. CARR: I'm going to object to the
24 extent that how we communicated with each other I

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00121
01 think goes to the attorney/client privilege and so how
02 she communicated with me and how I communicated with
03 her, even if she's just a perspective client, would
04 still be an attorney/client privilege, so on that
05 particular question, I would instruct her not to
06 answer.
07 MS. NOEL: Okay. Because I think the
08 substance of your communication would absolutely be
09 privileged, but I don't know that I agree with you
10 that whether you reached out to her or, you know, she
11 reached out to an internet ad or something. I don't
12 know necessarily think that I agree with you.
13 BY MS. NOEL:
14 Q But let me ask you this way. Did you
15 find an internet advertisement, you know, reflecting
16 Mr. Carr's services?
17 A No.
18 Q Okay. Did someone recommend Mr. Carr to
19 you?
20 A No.
21 Q Okay. At the time that you retained Mr.
22 Carr to represent you in this case, had you contacted
23 anyone at Wal-Mart about being injured?
24 A No.

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00122
 01 Q Okay. The first correspondence that I
 02 have from Mr. Carr is dated June 13th, 2014. Does that
 03 sound about around the time that you retained Mr. Carr
 04 to represent you in this matter about almost a year
 05 after your incident?
 06 A Probably, yeah.
 07 Q Okay. After you retained Mr. Carr, did
 08 you ever go back to the South Williamson store and ask
 09 them if they still had the food processor?
 10 A No.
 11 Q Okay. So you never asked them if you
 12 could get the food processor back?
 13 A No.
 14 Q To the extent you're not on Facebook, I
 15 take it you don't blog?
 16 A No.
 17 Q Okay. And do you post on your son's
 18 Facebook account?
 19 A No.
 20 Q I was going to ask, do you still happen
 21 to have the original return receipt or did you provide
 22 that to your attorneys whenever the food processor was
 23 returned?
 24 A I gave it to him, I believe.

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00123
 01 Q Was there any particular reason why you
 02 kept that receipt?
 03 A No.
 04 Q Because I'm just wondering because I --
 05 well, let me ask you this, when you returned the food
 06 processor to Wal-Mart, did you return the instruction
 07 manual with it?
 08 A No.
 09 Q But you held onto the sales receipt -- or
 10 the return receipt, I'm sorry?
 11 A Yes.
 12 Q Okay. Why did you think it was important
 13 to give that to Mr. Carr?
 14 A Actually, I had just found it in the
 15 hutch and thought, well, this is where I returned that
 16 food processor.
 17 Q Gotcha. Okay. Do you currently have a
 18 food processor in your house?
 19 A No.
 20 Q Okay. I know I've asked you this to some
 21 extent, but I just want to make sure I have a complete
 22 understanding of the problems that you allege you
 23 still have with your hand.
 24 As I understand them, you still have --

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00124
 01 you don't have full range of motion in your index
 02 finger?
 03 A Yes.
 04 Q Okay. What other problems do you have
 05 with your hand --
 06 A I have --
 07 Q -- your fingers, I'm sorry.
 08 A -- tingling, like they're numb underneath
 09 and I get burning sensations through the index finger
 10 and some sharp pain through the top of my hand.
 11 Q Okay. And let me back you for just a
 12 minute. That tingling sensation that you get, is that
 13 in all of your fingers or is it just your index and
 14 your middle?
 15 A It's just the two, index and the middle.
 16 Q Okay. And is that something that you
 17 have all the time or is there something that you do
 18 that causes you to have this tingling sensation?
 19 A It's not all the time, but like when I
 20 drive, I have to take my fingers off the steering
 21 wheel. It makes them feel funny.
 22 Q Okay. Is it kind of like a pins and the
 23 -- pins and needles --
 24 A Yeah, like it's asleep.

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00125
 01 Q -- like when it falls asleep?
 02 A Yeah.
 03 Q And when it does that, how long does it
 04 kind of stay in that sleeping mode?
 05 A For a while. It just varies.
 06 Q More than an hour?
 07 A Maybe not that long, no.
 08 Q Does it do it a couple times during a day
 09 or is it like, you know, once a week or --
 10 A No. It's every day. Just driving down
 11 the road, it'll make it feel that way. And then I can
 12 set my hand off the steering wheel and flex them a
 13 little bit and it will come back.
 14 Q It'll come back?
 15 A Yeah.
 16 Q Okay. Now, this burning sensation, I
 17 think you said that as in your index finger.
 18 A Uh-huh. It's through the scar part.
 19 Q Okay. And that's through the scar. Is
 20 that a constant or is it like, you know, when there's
 21 pressure on your hand that it feels like it's burning?
 22 A It burns off and on throughout the day at
 23 different times, but it's always numb on that scar.
 24 Q Okay. And is that middle finger the